IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.535 OF 2005
IN
FIRST APPEAL (ST.) NO.2214 OF 2005

Maharashtra State Road
Transport Corporation .. Applicants.

Versus

Saba Sitaram Gawade .. Respondent.

Mr.G.S.Hegde for the applicants.
Mr.M.B.Kotak for the respondent.

CORAM : S.B.MHASE &
D.B.BHOSALE, JJ.

DATE : FEBRUARY 8, 2005.

P.C.

1. Heard.

2. This is an application filed by the Maharashtra State Road Transport Corporation seeking stay of the order passed by the Motor Accident Claims Tribunal, Mumbai in Claim Application No.326 of 1999 dated 6.4.2004. Mr.Hegde, learned counsel for the applicants makes a statement that before the tribunal they have deposited an amount of Rs.14,84,438/-. According to him this is full decretal amount. He further submitted that he is disputing the amount of

Rs.4,25,000/- out of the amount of Rs.14,25,000/- which has been awarded by the tribunal and the amount of the interest. He submits that he has no objection if the amount of Rs.14,00,000/- is released in favour of the respondent. Mr.Kotak, learned counsel for the respondent has several objections but at this stage we are not considering those objections since substantial amount is being released, as no objection given by the learned counsel for the applicants. Therefore we pass the following order:

. The Motor Accidents Claims Tribunal, Mumbai is hereby directed to release an amount of Rs.14,00,000/- in favour of the respondent-original claimant. In respect of rest of the award there shall be stay for execution till final disposal of the appeal. Out of the total decretal amount as stated above, after releasing the amount of Rs.14,00,000/- in favour of the respondent whatever amount remains with the Motor Accident Claims Tribunal, Mumbai that amount shall be deposited in the Nationalised Bank for a period of three years initially and if the appeal is not disposed of within that time the tribunal shall further go on depositing the amount on year to year basis till the disposal of the appeal. If there is any

balance in depositing the decretal amount, the applicants shall deposit the balance amount within a period of four weeks from today. Civil application is disposed of accordingly.

3. Parties to act on an ordinary copy of this order duly authenticated by the Sheristedar of this Court.

(D.B.BHOSALE, J.) **(S.B.MHASE, J.)**

:hcs/sbm/